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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/994,741	11/28/2001	Thomas Blattner	A03195	8342

7590 10/08/2003  
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EXAMINER

HENDERSON, MARK T

ART UNIT	PAPER NUMBER
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3722

DATE MAILED: 10/08/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/994,741

Applicant(s)

BLATTNER ET AL.

Examiner

Mark T Henderson

Art Unit

3722

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10-20 is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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## **DETAILED ACTION**

### **Faxing of Responses to Office Actions**

In order to reduce pendency and avoid potential delays, TC 3700 is encouraging FAXing of responses to Office Actions directly into the Group at (703)872-9302 (Official) and (703)872-9303 (for After Finals). This practice may be used for filing papers which require a fee by applicants who authorize charges to a PTO deposit account. Please identify the examiner and art unit at the top of your cover sheet. Papers submitted via FAX into TC 3700 will be promptly forwarded to the examiner.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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1. Claim 1 recites the limitation "the edge" in line 2. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 6, 7, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by November (2,555,290).

November discloses in Fig. 1-6, a process for producing brochures comprising: inserting a binding element formed of a single wire element into perforations along an edge of sheet material that extends across the width of the sheet stack (Col. 3, lines 35-59); and forming the binding element before inserting (Col. 2, lines 6-42); tailoring the binding element to complement the perforations (Col. 2, lines 43-55 and Col. 3, lines 1-7); forming a series of loops (11 in Col. 2, lines 19 and 20) and crimps (6 in Col. 2, lines 23-25).

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***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 5, as best understood, is rejected under 35 U.S.C. 103(a) as being unpatentable over November in view of Seaborn et al (4,047,544).

November discloses a process for producing brochures comprising all the elements as claimed in Claim 1, and as set forth above. However, November does not disclose: forming a plurality of crimps, loop by loop with a single bending die.

Seaborn et al discloses in Fig. 8-11, a process of forming a plurality of crimps, loop by loop, with a single die (60).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify November's brochure producing process to include a process for forming crimps with a single die as taught by Seaborn et al for the purpose of providing a means in which to create the loop and crimp at the same time.

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4. Claims 8 and 9, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over November in view of Pigna et al (3,854,158).

November discloses a process for producing brochures comprising all the elements as claimed in Claim 1, and as set forth above. However, November does not disclose: determining at least one production parameter with an electronic device, wherein the parameter consist of brochure thickness, wire diameter, wire length, or perforation spacing.

Pigna et al discloses in Fig. 1 and in Col. 3, lines 1-21, wherein an electronic sensing device (4) counts the wire loops (2) passing through a feeder means, and when the programmed loop count is reached, a cutting means (6) separates the looped wire from the remainder (3) of the strip, whereby the looped wire length need for the binding is determined.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify November's brochure producing process to include an electronic device to determine the appropriate wire length need as taught by Pigna et al for the purpose of avoiding the process of purchasing previously cut binder wire elements which can give rise to high costs.

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***Allowable Subject Matter***

5. Claims 10-20 are allowed.

6. The following is a statement of reasons for the indication of allowable subject matter: No prior art of record discloses or fairly teaches a process for producing brochures comprising determining a thickness of a brochure to be produced and storing the thickness in an electronic device; producing a binding element corresponding to the thickness; feeding the wire from a spool; bending wire into a flat, multiple loop binding element; cutting binding element and conveying it to an insertion device; supplying sheet like material to the insertion device, wherein the material has perforations; inserting the binding element into the perforations; bending the binding element into a ring-like binding; and including all of the other limitations in the independent claims.

***Prior Art References***

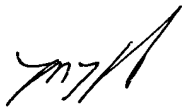
The prior art references listed in the attached PTO-892, but not used in a rejection of the claims, are cited for (their/its) structure. Bennett, Catini, Trussell, Trussell ('004), Block, Pigna, Fabrig, Fabrig ('655), Pfaffle, Adams et al, Dawson, Nest, Aglaghanian et al, Adams, Jones, Anthony III et al, Smith, Bagrosky, Jones et al, Bross, Jones et al ('538), Jones, Liouville,

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Wurschum, Pigna et al, Gomez, Pfaffle ('279), and Goodloe disclose similar processes for producing brochures.

### **Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark T. Henderson whose telephone number is (703)305-0189. The examiner can be reached on Monday - Friday from 7:30 AM to 3:45 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner supervisor, A. L. Wellington, can be reached on (703) 308-2159. The fax number for TC 3700 is (703)-872-9302. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 3700 receptionist whose telephone number is (703)308-1148.



MTH

September 30, 2003



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